

R E M A R K S

Claims 1 - 21 are in the application, with claims 1, 7, 14, and 17 - 19 having been amended, and claims 22 – 24 having been cancelled. Claims 1, 7, 14, and 19 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Objections

Claims 17 – 18 have been amended in response to the Examiner's helpful suggestions. Withdrawal of the objections is respectfully requested.

Claim Rejections

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being anticipated by US Patent No. 7,197,556 ("Ton") in view of US Patent No. 6,790,445 ("O'Neill"). Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1, 7, and 19

Amended independent claim one discloses a method of communicating load that comprises determining a load on a first node, factoring the load into a session initiation protocol Q-value for the first node, and transmitting the Q-value to a second node via one or more load brokers where each load broker is a back-to-back user agent. Moreover, the Q-value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call.

The art of record cannot be seen to disclose or to suggest a Q-value for a first node where the Q-value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call, and transmitting the Q-value to a second node via one or more load brokers where each load broker is a back-to-back user agent.

Ton discloses a Home Agent (“HA”) that exchanges load information with other HAs. Specifically, Ton, at [0042], discloses that 1) the load information “could be the number of mobility bindings and/or the CPU usage on the HA” but does not disclose that the load information is based on a priority or based on a call load.

Furthermore, Ton, at [0042] discloses that the HAs receive all HA IP addresses on the network, which they store locally. An HA will communicate with other HAs by using new messages to exchange load information with the other HAs. Since the HAs exchange load information directly, Ton does not disclose the HAs exchanging load information via a load broker.

In view of the foregoing, nowhere can Ton be seen to disclose or to suggest a Q-value for a first node where the Q-value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call, and transmitting the Q-value to a second node via one or more load brokers where each load broker is a back-to-back user agent.

The remaining art of record has been reviewed and is not seem to remedy the foregoing deficiencies in Ton. In view of the foregoing, amended independent claim 1 and its related dependent claims are believed to be in condition for allowance.

Amended independent claims 7 and 19 roughly correspond to the method of claim 1. In view of the foregoing, amended independent claims 7 and 19 and their related dependent claims are believed to be in condition for allowance.

Claim 14

Claim 14 recites a limitation of a session initiation protocol Q-value, where the Q-value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call. In view of the foregoing, amended independent claim 14 and its related dependent claims are believed to be in condition for allowance.

CONCLUSION

The outstanding Office Action presents a number of characterizations regarding the applied references, some of which are not directly addressed by this response. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-4982.

Respectfully submitted,

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Date

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